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SUBJECT: AEC PLENARY: NINE OUTSTANDING REFERENDUM LAW ISSUES

REF: A) KHARTOUM 931 B) KHARTOUM 952

11. (SBU) Summary: At the Assessment and Evaluation (AEC) Plenary Meeting on September 1, Abdulla Idris, co-chairman of the National Constitution Review Commission (NCRC) laid out the nine major points disputed by the parties on the Referendum law. AEC members urged the parties to move forward. Border demarcation and payment of Abyei arrears are forthcoming according to the NCP's State Minister of the Presidency Idriss. End Summary

Border Demarcation Slows

12. (SBU) Ambassador Derek Plumbly applauded the new momentum on CPA implementation and acknowledged continued public debate on certain issues. He noted that border demarcation has stalled and urged the parties to meet the September 30 deadline for completion of demarcation. UN Political Affairs Chief Muin Shreim noted that UNMIS had provided a base map of old boundaries and over flights of the area in support of border demarcations (Ref A).

13. (SBU) AU Liaison Office Chief Political Officer Boitshoko Mokgatle said that the AU Peace and Security Council will send a team to meet with the parties and international community about elections and concerns over the lack of implementation of certain key protocols in the CPA.

Referendum Law: Nine Issues Outstanding

14. (SBU) Abdulla Idris, co-chairman of the National Constitution Review Commission provided a full readout of the status of the Referendum Law (Ref B). Both parties insisted that the political will is present to solve the outstanding issues. Idriss highlighted the need for a "package deal" to resolve all the issues at one time.

The nine issues are as follows:

-- Electoral System: The NCP wants to fix a percentage of the total eligible Southern voters as a "quorum" large enough to legitimize the vote; the SPLM wants the number of voters who choose to participate to constitute the "quorum". The SPLM has suggested the referendum itself be decided by simple majority (50 percent plus one) while the NCP insists on a 75 percent "super majority".

-- Voter Participation: The NCP insists that 75 percent of eligible voters must participate in the referendum in order for a vote to be legitimated.

-- Eligible Voters: The parties disagree on who should be eligible

to vote in the referendum. SPLM contends that only Southerners living in the South should be allowed to vote, while the NCP wants the vote extended to the over 400,000 Southerners they say live in the North as well as to Southerners living abroad.

-- Voting Process: The SPLM wants to use two ballot boxes so that illiterate voters will find the process less confusing; the NCP wants only one box. Both methods raise issues with security and privacy of the vote.

-- Phrasing: The NCP insists that the phrasing of the Referendum law should focus on unity rather than separation.

-- Referendum Commission: The SPLM wants a Referendum Commission composed of two equal co-chairs while the NCP wants a commission composed of an NCP Chairman and SPLM Deputy Chairman.

-- Seat of Commission: The SPLM wants the seat of the commission located in Juba while the NCP insists it be in Khartoum. The CPA stipulates the Commission will be based in Khartoum. Both parties disagree about what powers the Khartoum and Juba offices will have.

-- Post Referendum Arrangements: The NCP wants a law covering the referendum, while the SPLM favors a binding agreement signed by both parties. In the trilateral talks, the NCP retreated from its insistence that post-referendum arrangements be included in the Referendum law.

-- Security: The parties disagree about who should provide security for the referendum. The SPLM insists the SPLA and Southern Sudan Police will provide security while the NCP wants the SAF and National Security Services involved.

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Abyei Arrears Paid

15. (SBU) State Minister of the Presidency Idriss noted that 48 million SDG would be transferred to the Abyei administration soon. Idriss said that he has requested the Abyei Border Demarcation Committee to submit proposed costs and equipment needs. Idris stated that the Abyei Border Demarcation Oversight Committee will be appointed once the Border Demarcation Committee is in the field.

16. (SBU) The Norwegian Ambassador, chair of the AEC Security Working Group, raised the issue of violence in Jonglei as a threat to security in Southern Sudan. The AEC members agreed to monitor the issue.

17. (SBU) Comment: As usual, the AEC plenary broke little new ground. There were discussions on the margins about unverified press reports that the NCP and SPLM have come to agreement on some of the nine referendum issues.

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